

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**VALLEY MEAT COMPANY, LLC,  
RICARDO AND SARAH DE LOS SANTOS,**

**Plaintiffs,**

**No. 2:12-cv-1265 GBW/SMV**

**v.**

**HSUS,  
FRER,**

**Defendants.**

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**First Amended Complaint for Damages for Prima Facie Tort, Defamation,  
Civil Conspiracy, Compensatory Damages, Punitive Damages  
and Injunctive Relief;**

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COMES NOW, the Plaintiffs, by and through their counsel, A. Blair Dunn, Esq., pursuant to FRCP 15 does hereby file this its First Amended Complaint against Defendants and does hereby state:

1. Plaintiff Valley Meat Company, LLC is a duly organized and registered business in the state of New Mexico at all times pertinent to this Complaint that has been in business in New Mexico more than 20 years.
2. Plaintiffs Ricardo and Sarah De Los Santos are residents of Roswell, New Mexico.
3. Defendant HSUS (Humane Society of the United States) is a national organization active in all 50 states. HSUS commonly and routinely avails itself of government services in New Mexico. And commonly solicits donations from New Mexican residents.

4. Defendant FRER (Front Range Equine Rescue) is Colorado based organization that is active nationally that commonly and routinely avails itself of government services in New Mexico. And commonly solicits donations from New Mexican residents.
5. Defendant APNM (Animal Protection New Mexico, Inc.) is a resident New Mexico corporation with its registered agent located in Albuquerque, New Mexico.
6. Defendants intentionally acted through correspondence, verbal communications, offers to sue, press releases, public internet postings, in person meetings and other communications to interfere with the lawful business of Plaintiff's. Based upon the policies of these organizations they openly opposed to the lawful business of the Plaintiff's but were not content to with following the process and procedures afforded to them by law to change the law. Defendants acted to induce interference extraordinary to the lawful processes to halt the legal business of Plaintiffs with the intent destroy their business and prevent their livelihood.
7. Defendants have publicly taken credit for the destruction of lawful Plaintiffs business. They have openly proclaimed that it was their efforts that prevented Plaintiffs from proceeding in their lawful enterprise. Defendants fully intended to harm the Plaintiffs in order to meet their organizations policy beliefs.
8. Defendants' actions were the cause of Plaintiffs substantial injury by way of lost business, lost investment, and lost reputation.
9. Defendants were of course free to harbor their own belief's on an issue but they were not justified in taking actions to injure Plaintiffs in order to prevent Plaintiffs

from exerting their lawful rights in order to satisfy their own beliefs. Defendant's had opportunity to seek recourse through the legislative process or other legal processes to seek to have their belief system recognized. Defendants chose unjustifiably to seek relief outside of the proper procedures.

**Count I: PRIMA FACIE TORT**

10. Paragraphs 1 through 8 are incorporated here by reference as if fully set forth,
11. The communications and actions described above were made in an avowed effort by the Defendants to see to it that Plaintiffs would be unable lawfully engage in their chosen business venture, and to do so in a way that did the greatest possible damage to their livelihood.
12. Plaintiffs' business is a legally allowed and needed business one in which they had a right to expect that there would be no wrongful interference from people and entities such as the defendants. Within New Mexico there is strong support from those involved in the industry for Valley Meat to provide a critically necessary service.
13. On information and belief, Defendants interfered with Plaintiffs business by threatening lawsuits against governmental officials, protests, false reports, defamatory statements and intimidation.
14. Plaintiffs economic loss and injury was the proximate result of the interference by defendants described above.

15. Defendants are liable to Plaintiffs for compensatory and punitive damages for their intentional tortious interference with Plaintiffs right to engage in lawful business.

**Count II: Defamation, Including Self-Defamation**

16. Paragraphs 1 through 8 are incorporated here by reference as if fully set forth.
17. Valley Meat Company and Ricardo and Sarah De Los Santos has a legitimate and meaningful business and personal interest in maintaining their reputations and good names.
18. The communications or public postings described above proximately caused Valley Meat Company and the De Los Santos's to be held up to scorn and contempt.
19. The communications described above proximately caused the loss of business and the loss of potential future economic opportunity.
20. As a proximate result of the communications described above Plaintiffs reputation was injured irreparably.
21. Defendants are liable to Plaintiff for compensatory and punitive damages for defamation,

**Count III: Presentation to the Public in a False Light**

22. Paragraphs 1 through 8 are incorporated here by reference as if fully set forth.
23. The statements made by Defendants describe Plaintiffs as criminal, uncaring, and bad business operators.

24. The actions by defendants described above were intended to present Plaintiffs to the public, and had the inevitable effect of presenting Plaintiffs to the public, in a false light, and defendants knew or should have known that this would be so.
25. Being so portrayed was highly objectionable to Plaintiff, and has caused great financial damage.
26. Defendants are liable to Plaintiff's for compensatory and punitive damages for holding him out to the public in a false light.

#### **Count IV: Civil Conspiracy**

27. Paragraphs 1 through 8 are incorporated here by reference as if fully set forth.
28. Defendants acted in concert with and conspired with each other and on behalf of each other to accomplish the results described in the foregoing counts.
29. As a direct and proximate result of this conspiracy Plaintiffs suffered great economic harm and irreparable injury to their reputation.
30. Defendants are liable to Plaintiff's for general damages and punitive damages for having engaged in a civil conspiracy against them, thereby causing damaging them as alleged above.

#### **Prayer For Relief**

Wherefore Plaintiff is entitled to the following relief:

- a. A declaration that defendants have defamed him, have tortiously interfered intentionally with their lawful business, have held them up to the public in a false

- light, and have engaged in a civil conspiracy to injure them, and that Defendants will continue to do so unless enjoined by this Court;
- b. An order enjoining all defendants from continuing to injure Plaintiffs in any manner resembling those alleged in this complaint;
  - c. Compensatory damages, punitive damages, attorney's fees and costs as provided by law;
  - d. Such other and further relief as the Court deems warranted.

Respectfully submitted,

By /s/ A. Blair Dunn, Esq.  
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**CERTIFICATE OF SERVICE**

I certify service of a true copy of the foregoing was mailed on December 13, 2012 with sufficient postage to counsel of record as follows:

P. Scott Eaton  
P.O.Box 25305  
Albuquerque, New Mexico 87125-5305

Respectfully submitted,

By /s/ A. Blair Dunn, Esq.